

United States Bankruptcy Court
Northern District of Illinois, Eastern Division

IN RE: Sameer Saba)	Chapter 13
)	Case No. 21 B 00038
Debtor(s))	Judge David D. Cleary

Notice of Motion

Sameer Saba
P.O. Box 597785
Chicago, IL 60659

Debtor Attorney: Hitchcock & Associates PC
via Clerk's ECF noticing procedures

On April 12, 2021 at 2:30 pm, I will appear before the Honorable David D. Cleary, or any judge sitting in that judge's place, and present this motion, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161 122 6457 and the password is Cleary644. The meeting ID and password can also be found on the judge's page on the court's website.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

I certify under penalty of perjury that this office caused a copy of this notice to be delivered to the persons named above by U.S. mail or by the methods indicated on or before Friday, March 19, 2021.

/s/ MARILYN O. MARSHALL
MARILYN O. MARSHALL, TRUSTEE

Motion to Dismiss Case For Unreasonable Delay

Comes now Marilyn O. Marshall, Standing Trustee, and requests that this case be dismissed, as Debtor(s) failed to file the required documents pursuant to 11 USC §521, §1307, §349, and Rule 3015, and in support thereof states the following:

1. Debtor(s) filed for Chapter 13 on 01/04/2021.
2. The debtor(s) have failed to provide an Affidavit of Compliance.
3. The debtor's plan has failed to provide for the commitment of future tax refunds.

4. The debtor(s) have failed to amend schedule J to reduce excessive expenses .
5. The debtor(s) have failed to commit all disposable income to the plan .
6. The debtor(s) have failed to satisfy the liquidation requirement of §1325 (a)(4).
7. The debtor(s) have failed to propose a plan in good faith or to file a petition in good faith as required under §1325 (a)(3) and (a)(7).
8. Debtor has failed to file a Certificate of Relatedness to Case 21-00035 filed the same day by debtor's spouse .
9. Debtor's plan calls for the payment of debts solely in the name of Hanna Saba , to the detriment of debtor's own creditors .
10. In case 21-00035, debtor's spouse claims to pay rent and utilities for the property owed by the debtor in Lincolnwood , yet the debtor does not reflect the receipt of rental income or offset for utilities on his schedule I/J .
11. On information and belief, Debtor has failed to file a budget that reflects his actual housing and living expenses .
12. Debtor testified the children live with his spouse full-time , therefore the household size should be 1 and debtor's expenses are excessive.
13. Debtor and debtor's spouse claim the same or very similar expenses on each of their schedules I/J and claim the same dependents yet neither reflects the other parties contribution on the means test or budget .
14. The debtor's failure to confirm a plan in a timely manner constitutes unreasonable delay .

WHEREFORE, the Trustee prays that this case be dismissed , and for any and all other relief this court deems just and proper .

Office of the Chapter 13 Trustee
224 S Michigan Ave
Ste 800
Chicago, IL 60604
(312) 431-1300

/s/ MARILYN O. MARSHALL

MARILYN O. MARSHALL, TRUSTEE